CONSTITION AND BYLAWS
Of the
OHOGAMIUT TRIBAL COUNCIL

PREAMBLE

We, the Alaska Natives having a common bond of residence in the vicinity of Ohogamiut, Alaska, on the Yukon River, in order to promote our welfare through the development of governmental and economic enterprise, do establish this Constitution.

ARTICLE I- NAME

The name of this organization shall be the Native Village of Ohogamiut.

ARTICLE II-TERRITORY AND JURISDICTION

The territory and jurisdiction of the Native Village of Ohogamiut shall extend to all Traditional Boundaries, including all lands selected by of for the original Village Corporation, Incorporated, established under the Alaska Native Claims Settlement Act of 1971.

The jurisdiction of the Village shall include authority over members and their property and those eligible for membership outside the Tribe's territory, unless prohibited by Federal Law.

ARTICLE III-MEMBERSHIP

Section I- Membership of the Native Village of Ohogamiut shall consist of Alaska natives whose names appear on the roll of Ohogamiut, Incorporated, established under the Alaska Native Claims Settlement Act of 1971, and those whose names appear on the 1939 Census.

Section 2. a. The direct descendants of such members are eligible for membership. Enrollment may/shall be established by ordinance.

b. Any person who becomes a resident of the Native Village of Ohogamiut may be Adopted by the Council by a majority vote in its regular called meeting.

c. Definition of Adult: any person who is eighteen years of age or older will be considered an adult.

ARTICLE IV-GOVERNING BODY

Section I. Name: The governing body of the Native Village of Ohogamiut shall be the Ohogamiut Traditional Council, hereinafter referred to as the Council.

Selection 2. Number on the Council: The Council shall consist of five members who shall be elected by the majority vote of the qualified members of the village.

Section 3. Officers: The Council shall include a President, Vice President, Secretary/ Treasurer, and two members.

Section 4: The Council shall represent the Community in all its undertakings and shall exercise the powers of the Community enumerated in this Constitution.

ARTICLE V- POWERS OF THE COUNCIL

Section 1. To do all things for the common, which it has done or has had, the right to do in the past and which are not against Federal and State Laws as may apply.

Section 2. To deal with the Federal and State Governments and its agencies, any person, firm, corporation or municipality on behalf of the village.

Section 3. To provide for filling vacancies in office consistent with this Constitution.

Section 4. To levy dues, fees and assessments for Community purposes on members of the Community and to provide for their collection and enforcement through its ordinances, for the good of the Community. No such assessment shall be laid except by resolution of the Council at any regular called meeting.

Section 5. The Council may have and use other powers as may be given to it by the Federal or State Governments.

Section 6. Other Powers:

a. To negotiate/ contract with State, Federal or Private agencies and persons on behalf of the Native Village of Ohogamiut;
b. To acquire property, accept gifts and prevent the alienation or loss of Tribal property without the consent of the Tribal membership.
c. To exercise the power of consent under 14(f) of the Alaska Native Claims Settlement Act of 1971;
d. To protect members rights in property, including Tribal Property;
e. To charter enterprises, corporations, and associations, and to join and/ or charter housing authorities;
f. To administer Village assets;
g. To promote health and safety of Tribal members;
h. To administer Justice and establish Tribal Courts;
i. To levy and collect taxes, fees, and assessments;
j. To encourage and protect Tribal traditions, language and culture; and
k. To enact ordinances and regulations to exercise any power of government, not prohibited by law.

Section 7. Waivers: The jurisdiction or any immunity of the Tribe may only be waived by majority vote of the entire membership qualified to vote.

Section 8. Retained powers: The retained powers of the Native Village of Ohogamiut, not stated in the Constitution shall not be lost by omission, but may be exercised by vote of the membership by initiative of referendum.

ARTICLE VI-CHANGE OF OFFICERS

Section 1. Any officer of the Council or official of the Community who is convicted of a felony or any other offense involving dishonesty or moral turpitude shall forfeit his/her office.

Section 2. If the office of a Council member is vacant for any reason, the Council may appoint a successor to serve until the next regular meeting of the Community, at which time a member shall be elected to fill the unexpired term.

ARTICLE VII-AMENDMENTS

Amendments to this Constitution may be proposed by a resolution of the Council or of the Community. Amendments shall become effective when ratified by a majority vote of adult members, provided that al least fifty percent of those entitled to vote shall vote in such election.

ARTICLE VII- DISSOLUTION

The Constitution shall continue in existence until dissolved by a majority vote of the adult members of this community, provided that at least fifty percent of those entitles to vote shall vote in such election.

ARTICLE IX- DUTIES OF OFFICERS

Section 1. The President of the Council shall preside over all meetings of the Tribal Council and of the Community, exercising the usual duties of a chairman and others delegated to him. He/ She may vote in Tribal Council meetings in case of a tie and/or to create a tie. The President is charged with general responsibilities for the administration of the Community and ordinances and resolutions.

Section 2.The Vice President in the absence of the President will be the same as those of the President.

Section 3. The Secretary/ Treasurer shall act as chairman in the event the President or Vice President is absent from the Village. He/ She shall conduct all correspondence and keep a complete and accurate record of all business transactions of the Community or of the Council. He/ She shall record all rules and regulations and ordinances in appropriate books for the information and guidance of the Community members. He/ She shall accept, receive, receipt for, preserve and safeguard all funds for which the Council is responsible. He/she shall make a faithful record of such funds and shall report to the Tribal Council all receipts and expenditures and the amount and nature of all funds in his/

her possession or custody. He/ She shall not pay out or authorize disbursement of any funds for which he/ she is responsible except for upon authorization of the Council. The Secretary/ Treasurer may be required at the request of the Council to give bond satisfactory to the Council.

Section 4. The duties of all appointive officers, agents or committees appointed by the Council shall be clearly defined by a resolution of the Council at the time of appointment. No appointive officer shall serve for a term longer than the elective officers.

ARTICLE X – MEMBERSHIP PARTICIPATION

Section 1. Indian Civil Rights Act: The Tribe shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the Tribal Government shall:

1. Not prohibit the free exercise of speech, press, religion, or rights of the people to Assemble peacefully or file grievances against the Tribal Government.
2. Not allow unreasonable search and seizure or issue warrants without probable cause.
3. Not try anyone for the same offense twice.
4. Not make any person testify against himself in a criminal matter.
5. Not take private property for public use without paying the owner the fair market value.
6. Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the crime he/she is accused of, told about the witnesses against him, be allowed to have witnesses testify in his favor and be allowed a lawyer at his own expense.
7. Not impose excessive bail or fines, nor impose cruel or unusual punishments. Tribal courts cannot impose a penalty greater than $5,000 or more than one year in jail, or both for any one offense.
8. Give all persons equal protection under Tribal Laws.

Section 2. Initiative: The eligible voters of the Village shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least fifty percent of the eligible voters, the Council shall call an election to be conducted by the election board no later than thirty days after receipt of the petition. An affirmative vote by at least the majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 3. Referendum: The Council by an affirmative vote of at least three of its members shall call an election to be conducted by an election board within thirty days of such Council decision for the purpose of deciding by secret ballot issues or questions that are within the authority of the Council. An affirmative vote by at least a majority of the

eligible voters shall be required to determine the issues or questions submitted to the voters.

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Section 4. Recall: Members shall have the power to recall any member of the Council. The recall process shall be initiated by filling a valid petition asking for such recall.

Section 5. Decisions: The decision of the Tribal voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE XI- ELECTIONS

Section 1. Elected officials will be elected by a vote of all the qualified members of the Native Village of Ohogamiut, who are eighteen years of age or older and meet the membership requirement in Article III.

After the initial elections, three of the five officials will be elected to hold office for two years, while other two officials will be elected to hold office on staggered terms.

Section 2. The time, place and manner of nominations shall be specified in the election ordinance adopted by the Tribal members pursuant to adoption of this Constitution.

ARTICLE XII- MEETINGS

Section 1. The Council shall meet on the second business day of the month at 7:00 p.m., unless otherwise ordered by the Council, and at such times as may be voted by majority of the Council.

Section 2. The President may call such other special meetings as he/she may deem necessary by giving two days notice to the members of the Council.

Section 3. Three Council members shall constitute a quorum for a Council meeting, and for general Community meetings, one third of the Tribal membership shall constitution a quorum.

Section 4. Regular meetings of the general Tribal membership of the Native Village of Ohogamiut shall be held annually. The date, time, and place of such meetings shall be decided at the Council meeting where at least a quorum is present.

Section 5. Careful and accurate records in the form of minutes shall be kept of all regular and special meetings of the Council and preserved in the appropriate files of the Tribal Council.

ARTICLE XIII- SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, invalid provision shall be served and the remaining provisions shall continue in full force and effect.

ARTICLE XIV- AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters of the Native Village of Ohogamiut voting at an election called for that purpose, or at the next annual meeting.

ARTICLE XV- ADOPTION

This Constitution may be adopted by a majority vote of the qualified voters of the Native Village of Ohogamiut voting at an election called for specific purpose and shall be effective form the date of approval.

CERTIFICATE OF ADOPTION

We, the undersigned members of the Village, having chosen to be election judges by the majority vote of the Tribal members, certify that we were present at the election called for the purpose of adopting this Constitution on June 26, 2000, that the foregoing was duly adopted at such election by a vote of 19 for, and 1 against, where at least fifty percent of those entitled to vote cast their ballots.

Lula One
Chairperson, Election Board

Theresa Evan
Election Member